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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JANE DOE, an individual,

Plaintiff,

vs.

BOYS AND GIRLS CLUBS OF SOUTHERN  
 NEVADA, a domestic corporation; F.P.  
 HOLDINGS, L.P., a domestic limited  
 partnership; SAN MIGUEL GAMING AND  
 HOSPITALITY AUTHORITY d/b/a Palms  
 Casino Resort, a governmental instrumentality of  
 the San Manuel Band of Mission Indians;

Defendants.

Case No. 2:23-cv-01202

**STIPULATION AND ORDER FOR  
 EXTENSION OF TIME FOR  
 DEFENDANT BOYS AND GIRLS CLUB  
 OF SOUTHERN NEVADA TO FILE AN  
 ANSWER**

**FIRST REQUEST**

Defendant BOYS AND GIRLS CLUBS OF SOUTHERN NEVADA (hereinafter, "BGCSN"), by and through counsel, the law firm Tyson & Mendes LLP; Plaintiff Jane Doe, by and through counsel, the law firm Lagomarsino Law; and Defendant F.P. Holdings, LP, by and through counsel, Brandon | Smerber Law; hereby stipulate and agree, contingent on this Court's approval, that the deadline for BGCSN to file an Answer be extended to January 5, 2024 or the date this Order is entered, whichever is later.

This stipulation is made pursuant to LR IA 6-1. This is the first stipulation for extension of this deadline.

**A. PROCEDURAL BACKGROUND AND DISCOVERY**

On July 30, 2023, Plaintiff filed her Complaint. See ECF No. 1. BGCSN was served with the Complaint and Summons on August 1, 2023. BGCSN's responsive pleading was due

1 on August 22, 2023. On August 22, 2023, Defendant timely filed its Motion to Strike the  
2 Complaint under FRCP 12(f). See ECF No. 2. On October 13, 2023, the Court denied  
3 BGCSN's Motion to Strike. Based on this, BGCSN's Answer was due on October 27, 2023.  
4 This deadline was inadvertently not calendared and BGCSN's Answer was not filed. See Exhibit  
5 A, Declaration of Priscilla L. O'Briant, Esq. (Ex. A), ¶ 5.

6 On September 12, 2023, the parties participated in a case conference pursuant to FRCP  
7 26(f). See ECF No. 15, ¶ 1. The parties submitted a Discovery Plan and Scheduling Order on  
8 September 22, 2023, which the Court signed on September 25, 2023 and was entered on  
9 September 26, 2023. See ECF No. 18. Following the conference, all parties served their initial  
10 disclosures.

11 On October 5, 2023, Plaintiff served written discovery on defendants on October 5, 2023  
12 BGCSN served its responses to written discovery. BGCSN thereafter served a first and second  
13 supplement to disclosures. F.P. Holdings also served its responses to written discovery. Plaintiff  
14 has also issued several subpoenas.

15 **B. GOOD CAUSE EXISTS AS THE FAILURE OF BGCSN TO FILE AN ANSWER**  
16 **WAS THE RESULT OF EXCUSABLE NEGLIGENCE**

17 The parties assert good cause exists to allow BGCSN to file its Answer on or before  
18 January 5, 2024 or the date this Order is entered, whichever is later. BGCSN timely filed its  
19 responsive pleading. However, following the denial of its Motion to Strike, the deadline for its  
20 Answer was not calendared and no answer was filed. Ex. A, ¶ 5. Allowing BGCSN to file an  
21 Answer as this time will not prejudice any party to this action. Although the delay is not  
22 insignificant, BGCSN has throughout actively participated in discovery and thus the delay has  
23 had no negative impact on the proceeding. See Ex. A, ¶ 7. The reason for the delay was a  
24 calendaring error, followed by the loss of an Associate attorney, which led counsel to focus on  
25 *upcoming* and calendared deadlines on her increased case load. See Ex. A, ¶¶ 5, 6. In reviewing  
26 the file on January 4, 2024 to evaluate further discovery, counsel for BGCSN realized no  
27 Answer had been filed and promptly contacted Plaintiff's counsel to advise and request  
28 agreement regarding the present stipulation to which he agreed. See Ex. A, ¶¶ 8,9. Counsel for

BGCSN also immediately drafted an Answer. See Ex. A, ¶ 9, and Exhibit 1 thereto. BGCSN will promptly file its Answer upon the Court's approval of this Stipulation. See Ex. A, ¶ 10. Based on all of the above, the parties believe BGCSN has acted throughout in good faith and the failure to file its Answer was the result of excusable neglect.

Therefore, the parties hereby stipulate and agree the deadline for BGCSN to file an Answer be extended to January 5, 2024 or the date this Order is entered, whichever is later. This stipulation is made in good faith and not in an attempt to delay the proceedings.

Dated this 5th day of January, 2024

Dated this 5th day of January, 2024

LAGOMARSINO LAW

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/s/ Cory Ford

/s/Priscilla O'Briant

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Dated this 5th day of January, 2024

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IT IS SO ORDERED:

DATED: \_\_1/8/2024\_\_

  
UNITED STATES MAGISTRATE JUDGE